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SENATE BILL 420

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Linda M. Lopez

AN ACT

RELATING TO TRANSPORTATION; AUTHORIZING THE IMPOSITION OF A
GROSS RECEIPTS TAX; AUTHORIZING ISSUANCE OF REGIONAL TRANSIT
REVENUE BONDS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of the Regional Transit District
Act is enacted to read:

"NEW MATERIAL REGIONAL TRANSIT GROSS RECEIPTS TAX--
COUNTY IMPOSITION--RATE AUTHORIZED. --

A. Upon voter approval pursuant to this section,
the board may impose by resolution an excise tax on a person
engaging in business in the district area in a county or
municipality that is a member of the district for the privilege
of engaging in business. In the case of a county, the county
clerk shall not tax a municipality within that county that has

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1 not opted to participate in the district. The rate of the tax
2 shall not exceed the rate approved by the voters. The tax
3 shall be referred to as the "regional transit gross receipts
4 tax".

5 B. A tax imposed pursuant to this section may be
6 imposed in one-sixteenth percent or one-eighth percent or a
7 number of such increments by the enactment of one or more
8 resolutions, but the total regional transit gross receipts tax
9 rate imposed by all resolutions shall not exceed an aggregate
10 rate of one-half percent of the gross receipts on a person
11 engaging in business in the district area of the county or
12 municipality.

13 C. The board, at the time of enacting a resolution
14 imposing or changing the tax authorized in Subsection A of this
15 section, shall dedicate the revenue for the management,
16 construction or operation of the public transit system or for
17 specific public transit projects or services of the district
18 pursuant to the Regional Transit District Act.

19 D. A law that imposes or authorizes the imposition
20 of a regional transit gross receipts tax or that affects that
21 tax, or a law supplemental to or otherwise pertaining to that
22 tax, shall not be repealed or amended or otherwise directly or
23 indirectly modified in such a manner as to impair adversely any
24 outstanding regional transit revenue bonds that may be secured
25 by a pledge of that tax, unless those outstanding revenue bonds

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1 have been discharged in full or provisions have been fully made
2 for the discharge.

3 E. The board shall request that the county or
4 municipality in which the regional transit gross receipts tax
5 is to be imposed hold an election. The board shall not impose
6 a regional transit gross receipts tax without the approval of a
7 majority of the voters in the election. "

8 Section 2. A new section of the Regional Transit District
9 Act is enacted to read:

10 "[NEW MATERIAL] REGIONAL TRANSIT GROSS RECEIPTS TAX--
11 EFFECTIVE DATE OF RESOLUTION-- COMPLIANCE WITH GROSS RECEIPTS
12 AND COMPENSATING TAX ACT AND REQUIREMENTS OF COMMISSION--
13 SUBMISSION OF COPY TO COMMISSION.--

14 A. Unless another date is approved by the
15 commission, a resolution imposing, amending or repealing a
16 regional transit gross receipts tax or an increment of the tax
17 authorized pursuant to the Regional Transit District Act shall
18 be effective on July 1 or January 1, whichever date occurs
19 first, after the expiration of at least three months from the
20 date the adopted resolution is mailed or delivered to the
21 commission. The resolution shall include the effective date.

22 B. A resolution imposing a regional transit gross
23 receipts tax authorized pursuant to the Regional Transit
24 District Act shall adopt by reference the same definitions and
25 the same provisions relating to exemptions and deductions as

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1 are contained in the Gross Receipts and Compensating Tax Act
2 then in effect and as it may be amended from time to time.

3 C. The board imposing the regional transit gross
4 receipts tax authorized pursuant to the Regional Transit
5 District Act shall impose the tax by adopting the model
6 resolution with respect to the tax furnished to the district by
7 the commission. A resolution that does not conform
8 substantially to the model resolution of the commission is
9 invalid.

10 D. A certified copy of the resolution imposing or
11 repealing a regional transit gross receipts tax authorized
12 pursuant to the Regional Transit District Act or changing the
13 tax rate imposed shall be mailed or delivered to the commission
14 within five days after the resolution is adopted. "

15 Section 3. A new section of the Regional Transit District
16 Act is enacted to read:

17 "[NEW MATERIAL] REGIONAL TRANSIT GROSS RECEIPTS TAX--
18 SPECIFIC EXEMPTIONS.--A regional transit gross receipts tax
19 authorized pursuant to the Regional Transit District Act shall
20 not be imposed on the gross receipts arising from transporting
21 persons or property for hire by railroad, motor vehicle, air
22 transportation or any other means from one point within the
23 district to another point outside the district, nor shall the
24 tax be imposed on direct satellite broadcasting or on gross
25 receipts that are exempt by federal law. "

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1 Section 4. A new section of the Regional Transit District
2 Act is enacted to read:

3 "[NEW MATERIAL] REGIONAL TRANSIT GROSS RECEIPTS TAX--
4 COLLECTION BY COMMISSION-- TRANSFER OF PROCEEDS-- DEDUCTION. --

5 A. The commission shall collect the regional
6 transit gross receipts tax imposed pursuant to the provisions
7 of the Regional Transit District Act in the same manner and at
8 the same time as it collects the state gross receipts tax.

9 B. The commission may deduct an amount not to
10 exceed three percent of the regional transit gross receipts tax
11 collected pursuant to the provisions of the Regional Transit
12 District Act as a charge for the administrative costs of
13 collection. That amount shall be remitted to the state
14 treasurer for deposit in the general fund each month.

15 C. The commission shall transfer to each district
16 for which it is collecting a regional transit gross receipts
17 tax authorized pursuant to the provisions of the Regional
18 Transit District Act the amount of the tax collected for that
19 district less any disbursement for administrative charges made
20 pursuant to Subsection B of this section, tax credits, refunds
21 and the payment of interest applicable to the tax. The
22 transfer to the district shall be made within the month
23 following the month in which the tax is collected."

24 Section 5. A new section of the Regional Transit District
25 Act is enacted to read:

1 " [NEW MATERIAL] REGIONAL TRANSIT GROSS RECEIPTS TAX--

2 ADMINISTRATION AND ENFORCEMENT OF ACT. --

3 A. The commission shall interpret the provisions of
4 the Regional Transit District Act with respect to the regional
5 transit gross receipts tax authorized pursuant to that act.

6 B. The commission shall administer and enforce the
7 collection of the regional transit gross receipts tax
8 authorized pursuant to the Regional Transit District Act, and
9 the Tax Administration Act applies to the administration and
10 enforcement of the regional transit gross receipts tax."

11 Section 6. EFFECTIVE DATE. --The effective date of the
12 provisions of this act is July 1, 2005 if Senate Bill 34 or
13 House Bill 102 of the first session of the forty-sixth
14 legislature becomes effective.

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